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2/9/09
8B221

The HSUS Northern Rockies Office
490 N 31st Street
Suite 215
Billings, MT 59101
406-255-7161 (F) 7162



08-8-06

Mr. Edelman
Carbon County Attorney
Red Lodge, MT

Thank you for meeting briefly with me last week. I am excited that you are putting some targeted energy into resolution of this case.

My phone and email have been busy getting calls of concern and expressing frustration. But a recent communication from a neighbor of Ms Sondeno prompts my writing you for some two way clarifications. Please forgive the random presentation... but these issues are coming to me in many random formats.

As you know, my statement submitted in late January was my professional opinion of the status of the Sondeno property on that one day in time. I still am of the opinion that most of the animals were kept in inhumane conditions on that day. The decision to charge felony status was Mr. Wilson's' based, I believe both on the Montana statute for the number of animals and the conditions of the six horses, four cats and five dogs that the DVM's rated as inhumane. Ms Sondeno, as a long time equine and feline rescuer knows the difference between good and poor health. The Six horses taken from that property that day are one of the classic equine starvation and inhumane care cases I have worked on in 26 years. They horses were simply deprived of food and water and were slowly starving because of it. Please look at the January 24th photos and any of the later sets of photos. These horses today have well fleshed, energetic and in great shape. And we only had to worm them, delouse them and provide normal veterinary care to bring them into good shape. I do not think there is a jury in Montana whom would believe that Ms Sondeno was actually trying to rescue these horses. She had them for years and had recently lost two of them.

Many people, including staff of the Carbon County Sheriffs Office mistakenly think that the Humane Society of the United States was court appointed as guardian ad litem or court ordered custodians of the animals and that we somehow have authority to do compliance checks on these animals. I had offered that capability at least twice... but no action was ever taken on it. So our office is left spending over twenty thousand dollars for the care of ten animals that should have been resolved some months ago.

Now, outside groups and individuals continue to allege that continued cruelty, poor care and inhumane conditions continue on the Sondeno property (after their personal visits). Two other examples include: A dog recently presented to a Billings DVM (Dr Amy Lamm of Vet2Go clinic) was positively identified as a stray dog belonging to Ms Sondeno and she collected samples and then humanely euthanized the dog. And a carbon county sheriff's deputy who went to the property on another matter reported that conditions two weeks ago were worse than they were in January.

RECEIVED

AUG 08 2006

Also, although, potentially not binding ... on January 24th Ms Sondeno promised Mr. Wilson that she would not accept any more animals until this case was resolved. She has in fact added dozens of animals and birthed dozens of litters of kittens. I believe, Ms Sondeno has more animals on the property than she had in January.

Finally, some discussions have apparently taken place about what The HSUS would do with the animals if they were surrendered (which won't happen) or confiscated. Again... we never committed to Carbon County that we would be able to accept the animals... our role was simply to hire qualified DVM's for the initial warrant service.

But for the record, we also could help with any disposition if asked to. Generally in cases like this any animals' microchipped or determined to be from groups like the Billings Animal Shelter or Help for Homeless Pets would be returned to them for rehoming. Others would get species appropriate screenings. For dogs this would be a certified temperament test for adoptability which would ensure the animal can be safely adopted and is not a potential liability claim for child intolerance or food bowl guarding. Dogs not passing the temperament test would be placed in the rescue network (breed rescue or general rescue) that places the dogs in special foster care or adoption situations. For cats, a similar health screening and temperament screening would take place. Only those animals that fail several levels of adoptability tests or that have intensive or communicable disease would be considered for humane euthanasia. That list would then be double checked for special adoption potential at cat rescues or special situations. But in the end it is impossible to guarantee that no animals would be euthanized. I think my office has a spectacular track record for minimizing any euthanasia... while still providing for public safety and animal disease control.

In summary, this case continues to be a financial and emotional drain on this office and we wholeheartedly support any efforts to bring it to some conclusion. I would appreciate your help in communicating to the Sheriff's Office that our as caretakers or compliance officers was never truly established and that we would have found a way to make regular checks IF we had been given the authority to make site visits.

Thanks again for your efforts to pursue this. IF we could get a release of the horses and cats in our care that would be a big step towards a final resolution in this case.



Dave

Dave Pauli, Northern Rockies Team Leader
The Humane Society of The United States
"Celebrating Animals & Confronting Cruelty"

406-255-7161 (F) 7162
(C) 698-1167

C.A. Schaeffer
21113 Walter Rd.
Billings, Mt. 59105
(406)248-2388

December 11, 2000

Dear Mrs. McRae,

From May 1, 2000, until the end of August 2000, Mary Ann Wegner spent three (3) days a week at my home. During that period of time I did not charge Mary Ann rent.

Since September, Mary Ann has been living at my home and I have asked her to pay me \$150. monthly, plus after deducting my business utility costs, she and I are to split the remaining amount due. Since her finances have been strained, I have allowed Mary Ann to work her \$150. per month rent by cleaning in my boarding and grooming facility. Mary Ann's portion of the utilities will average \$150. per month, and she's responsible for her own groceries. This arrangement has proven to be satisfactory to both Mary Ann and myself, for the time being.

Should you have any further questions concerning this matter, please feel free to contact me at your convenience. I continue to look forward to your home visit and wish you and yours a wonderful holiday season.

Sincerely,

Catherine A. Schaeffer
Catherine A. Schaeffer

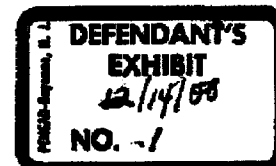
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PROPOSAL

December 26, 2002

The original verbal agreement between Billings Animal Shelter and Safe Harbor required Safe Harbor to turn over all adoption fees to Billings Animal Shelter. Even though the animals were transferred into Kelly Sondeno's name, the Billings Animal Shelter retains ownership until an actual adoption takes place and money is paid.

As per our previous discussions, Safe Harbor has incurred numerous medical costs connected to the animals taken from the Billings Animal Shelter. These animals became sick within 1 - 5 days of entering our care. Considering that the majority of viruses become active 2-4 weeks after exposure to the virus and that stress can activate it quicker, it is most likely that these animals were exposed prior to entering the shelter. Normally if these animals had been left in the shelter, they would have been euthanized. Because these animals are currently in Safe Harbor's care, Safe Harbor's bylaws prevent them from being euthanized. This presents a dilemma for both the Billings Animal Shelter and Safe Harbor.

Considering that it would cost the Billings Animal Shelter \$1705 to euthanize the 31 animals still in Safe Harbor's possession and since 9/15/02, Safe Harbor has:

1. Promoted the Billings Animal Shelter as willing to avoid un-necessary euthanization by working with local animal rescue groups, and referred potential adopters to the Animal Shelter.
2. Proved to be cooperative with Shelter inspections and rules as well as been responsible for ensuring that animals removed from the shelter have been cared for in a humane and responsible manner, spayed/neutered, micro chipped and given rabies and distemper shots before and/or after being adopted.
3. Removed 72 animals that were listed to be euthanized. Estimated savings to the shelter: \$3960 (\$55*72)
4. Adopted out 34 animals under the Billings Animal Shelter's name and turned that money over to BAS, thereby raising their adoption numbers as well as earning them \$2340.
5. In three months time, Safe Harbor has increase the Billings Animal Shelter's budget by \$6300, and has received no monetary compensation.

Safe Harbor is requesting that the Billings Animal Shelter permanently release ownership of said animals to Safe Harbor, thereby saving the Animal Shelter the expense of euthanization and allowing Safe Harbor a chance to recover the medical costs they have incurred on these animals.

Agreed upon on _____ of _____

Signature BAS

Date

Signature Safe Harbor

Date

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Animal activists buy lives of pets at pound

By JACI WEBB Of The Gazette Staff

A little boy giggled when a couple of dogs found his face with their tongues Saturday afternoon at PetSmart.

The encounter didn't seem significant except that both dogs would have been euthanized if volunteers from Safe Harbor hadn't bailed them out of the Billings Animal Shelter. Safe Harbor is a non-profit group involved in pet rescue.

"You've heard of the movie 'Dead Man Walking?' Well, we do dead cat walking and dead dog walking," said volunteer Sandra West Prowell. "We pull them off of death row at the pound. We go down there before they go into that room and buy as many of the healthy dogs and cats as we can and find them homes."

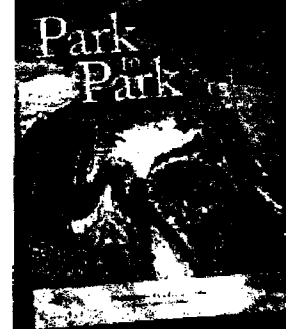
The group will be back at PetSmart, 2510 King Ave. W., today from 11 a.m. until 5 p.m. They're showing six dogs and seven cats who are available for adoption.



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One woman took two of the dogs out for a walk behind the store Saturday, looking for guidance from a volunteer on how to make them heel. She decided to think about the adoption before taking either of the dogs home. Another dog, a 6-year-old German shorthair named Coco, sat quietly next to volunteer Chris Greenfield, waiting for a treat or someone to pet her.

"We've got a lot of people coming back," Safe Harbor founder Kelly Sondeno said Saturday.

"We're not trying to push our animals on anyone; we want them to find good homes."

Since Safe Harbor formed in September, the group has bought 80 dogs and cats from the Billings Animal Shelter and found homes for 42 of the animals. They also take in unwanted dogs and cats from pet owners who can no longer keep the animals. Safe Harbor is treating several cats they purchased from the shelter for a respiratory disease they contracted at the animal shelter. Ten others cats died from the illness.

Safe Harbor volunteers envision a day when they can work with the other dozen animal rescue groups in Billings to get healthy pets adopted out instead of put to sleep. They believe the non-profit groups can take over the shelter's adoption responsibilities and allow the shelter to work solely on enforcement and animal control. As of Nov. 30, the Billings Animal Shelter euthanized 1,224 cats and 725 dogs, for a total of 1,949 animals in 2002. That was down from 2001, when the shelter euthanized 1,559 cats and 899 dogs for a total of 2,458 animals. Sondeno and others believe that number is too high.

Sondeno and Brenda Emery, a member of Safe Harbor's board, have been trying to negotiate a contract with Dave Klein, director of the Billings Animal Shelter, to buy death row animals at a reduced rate. The pet rescue organization now adopts animals at the shelter's normal rate of \$70. The cost covers fees for neutering the pet.

Safe Harbor passes the \$70 adoption fee onto its clients,

along'
(38 comments)

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but the group also insures that animals are vaccinated, properly socialized and disease free before they are adopted out. They will take the pet back if the adoption doesn't work out and they promise to help with medical expenses should the pet become sick within a short time after adoption.

"We need more animal activists," Prowell said. "The indiscriminate slaughter of healthy animals is just disgusting."

Adopting out healthy pets is only one piece of the puzzle. The other is to get dogs and cats spayed or neutered to reduce the population of unwanted pets. That's why the group was instrumental in helping the Yellowstone County Spay and Neuter Task Force in bringing a free spay/neuter clinic to town for two days in October. The clinic, made up of primarily of veterinarians from Western Montana, spayed or neutered 700 animals in Billings.

"The sad part is we had to turn away another 600," Sondeno said.

They hope to bring in another free clinic this spring. Sondeno said with regular clinics to help low-income pet owners neuter their pets, the number of stray animals in Billings will be significantly reduced.

Klein could not be reached for comment. Shirley McDermott, a City Council member who has spoken with Safe Harbor, said she applauds any effort to reduce the problem of stray animals in Billings.

"Let's face it, we need all the help we can get," McDermott said. "Any time you have a group that's willing to help with the problem, it's worth listening to them. There are a lot of people who have pets who are not very responsible about taking care of them."

Jaci Webb can be reached at 657-1359 or at jwebb@billingsgazette.com

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Groups offer adoptions, information

Local animal rescues and welfare groups will unite at PetSmart from 10 a.m. to 4 p.m. On Saturday and Sunday to offer information on animal rescue, welfare and public education and demonstrations about training and care.

Animals will be available for adoption.

Group participating include Safe Harbor, Hope Haven, Help Every Homeless Pet (HEP Group) from Hardin, Big Sky Rottweiler Rescue, Greyhound Rescue, Last Chance Cat Sanctuary, the Greater Billings Animal Coalition, Billings Animal Shelter and others.

There will also be information about Pets are Family Too Spay/Neuter Clinics, which are sponsored by the Greater Yellowstone Spay/Neuter Alliance and scheduled for later this year.

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Shelter denies violating law

By ED KEMMICK Of The Gazette Staff

The founder of a pet-rescue group based in Fromberg has accused the Billings Animal Shelter of violating state law by performing illegal euthanasia. The director of the shelter and a deputy city attorney said the charge is baseless.

Kelly Sondeno, founder of Safe Harbor Rescue, made the claim in the fall edition of her newsletter, "Harbor Lights," which she said was sent out to about 350 people. Safe Harbor tries to remove pets from the animal shelter before they are euthanized and then tries to find homes for them. Sondeno said the group has saved more than 500 animals since it was founded two years ago.

In a front-page editorial in the newsletter, Sondeno said she felt compelled to speak out for fear of being "guilty by association to the injustices occurring."

She charged that under state law, euthanasia is a veterinary procedure and that it is illegal to practice veterinary medicine without a license. And though a new version of the law allows certified euthanasia technicians to put down unwanted cats and dogs, Sondeno said, the Billings shelter hasn't been certified yet.

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Deputy City Attorney Craig Hensel, who was asked by shelter Director Dave Klein to review Sondeno's charges, said that in his opinion Sondeno is misreading the law.

According to state law regarding euthanasia, Hensel said, a "certified agency" is defined, in part, as "a law enforcement agency."

The Billings Animal Shelter, which is under the control of the Police Department, qualifies as a law enforcement agency, he said.

The new state law, which took effect last Jan. 1, speaks of having euthanasia technicians certified by the state Board of Veterinary Medicine, Hensel said, but the board hasn't yet said what the requirements are to achieve certification.

Cheryl Brandt, program manager for the Board of Veterinary Medicine in Helena, said the rules implementing the new legislation took effect in early June, and Drug Enforcement Administration approval of the drugs used for lethal injections came in August. So far there is only one certified shelter in the state, she said, and that one is in Laurel.

Until the Billings shelter receives the new certification, Hensel said, it is still considered a certified agency under state law, which further defines a "certified euthanasia technician" as "an employee of a certified agency."

"I disagree with the literature completely," Hensel said, referring to Sondeno's editorial.

Klein said a licensed veterinarian comes to the shelter at least once a year to train his employees in proper euthanasia techniques.

He said all of his animal control officers are qualified to euthanize unwanted pets, which are first administered an anesthetic and then a lethal injection. In 2003, he said, the shelter euthanized 2,163 dogs and cats.

Sondeno also charged in the newsletter that the shelter's

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policy is not to euthanize any animals without Klein's authorization, but Klein said that isn't true. He said whoever is in charge at the shelter at any given time has the authority to OK the euthanizing of an animal.

Sondeno raised the question of authority in regard to an incident in August. She said her group tried to rescue two dogs from the shelter but didn't have enough money for both. As a result, she said, they took the dog they thought would be harder to adopt out and promised to come back for a shepherd mix.

"We also made sure with the shelter staff that there would be no euthanizing the next day, since the director was on vacation," Sondeno wrote in the newsletter.

But when they went back two days later, they learned that the shepherd mix had been put down.

Klein said his staff could not remember that specific incident, but he said nobody at the shelter is eager to euthanize dogs and cats.

"It's not an easy decision, not one anyone wants to make," he said.

The staff sometimes is asked to hold onto an animal for a couple of days, Klein said, but people will promise to come back for a pet and then show up two weeks later. Pets often have to be killed to make room for new tenants, he said, because the shelter can get as many as 50 new animals a day.

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Stray pets seen as growing problem

By **TOM HOWARD**
Of The Gazette Staff

People who run private pet sanctuaries say they're seeing more abandoned animals since the Billings Animal Shelter reduced its services last year.

The shelter closed its 24-hour drop-off cages last year after Yellowstone County opted to contract with a private animal boarding agency rather than the Billings shelter.

City officials said the drop-off cages had to be closed because they had no way to determine whether animals left at the shelter came from the city or from the county outside city limits.

Because the county no longer provides financial support to the animal shelter, the shelter no longer accepts animals from outside city limits. And since the 24-hour cages have been closed, the Animal Shelter accepts animals only during its hours of operation: Monday, Tuesday, Thursday and Friday from noon to 6 p.m. and Saturday from 1 to 4 p.m.



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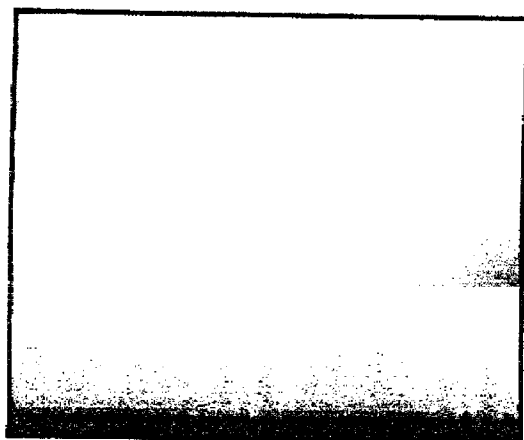
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Dogs a problem, too

Heather Cuning, who runs Hope Haven, a Lockwood pet sanctuary, says stray dogs have become a bigger problem in her neighborhood since the Animal Shelter eliminated the drop-off option.

"We have some large-breed dogs that are running loose and children are afraid to go out," Cuning told the Billings Animal Control Board on Wednesday night. She said Lockwood seems to be a convenient dumping ground for unwanted pets.

Angie Cook, of Help for Homeless Pets, said pets have been left at the agency's front door. She suspects that many of them are from within the city.

Catherine Schaeffer, who runs Last Chance Cat Sanctuary in the Heights, said Cuning's assessment coincides with what she is hearing from other animal advocates.

"I do believe there are a lot of city animals being dumped in the county," Schaeffer said. "It's not just dogs. If what is happening continues, you'll be hearing a lot more about issues like animal cruelty."

Schaeffer founded Last Chance Cat Sanctuary in 1998 as a "no kill" haven for unwanted but adoptable cats. The nonprofit agency sponsors spay and neuter clinics and works to place cats in good homes. Last Chance presently cares for 145 cats, she said.

The Animal Control Board invited people who operate animal boarding services and sanctuaries to Wednesday's meeting to discuss common concerns. City officials also are studying the possibility of having a nonprofit organization operate the Animal Shelter.

Several of the 30 people attending the meeting expressed

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concerns about the county's decision to contract with a private service. Some said the Animal Shelter should consider reopening the 24-hour drop-off cages to help curb the flow of animals showing up at sanctuaries.

Numbers down

During Wednesday's meeting, Animal Shelter Director Dave Klein estimated that the number of animals taken to the Billings Animal Shelter declined by about 50 percent after the county decided to contract with a private firm. During the last four months of 2004, the shelter received 1,582 animals. During the same period in 2005, the shelter received 882 animals.

Sheriff Chuck Maxwell said Thursday that the county decided to contract with Big Sky Pet Center because it costs about half of what the Animal Shelter planned to charge the county. The county is paying Big Sky around \$20,000 to board animals for the 2006 fiscal year, compared to a \$55,000 charge for services from the city shelter, he said.

"We have been very happy with the private enterprise," Maxwell said Thursday. He said county animal officers are collecting about the same number of animals that they had previously, about 50 a month.

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Animal cruelty charges deferred

By **LINDA HALSTEAD-ACHARYA**
Of The Gazette Staff

FROMBERG - Even some of her detractors admit that Kelly Sondeno of Fromberg has a soft heart for animals. Perhaps too soft, some say.

More than a year ago, in January 2006, Sondeno had gathered more than 125 animals at her Safe Harbor animal rescue facility in Fromberg. An inspection that month resulted in a handful of them being removed from the property and Sondeno being charged with one count of aggravated animal cruelty.

Before then and since then, both supporters and detractors haven't been shy about vocalizing their opinions. But on the last day of May of this year, Sondeno agreed to a pretrial diversion agreement that defers prosecution on the felony charge if she adheres to a list of conditions.

The agreement, hammered out between Sondeno, her attorney Steve Thuesen and Carbon County Attorney Bob Eddleman, stipulates that Sondeno can continue operating Safe Harbor for the purposes of animal rescue, sheltering and adoption. She is, however, limited to a maximum of 30 dogs and 60 cats - and a "reasonable number" of personal pets - on site. As part of the agreement, Sondeno must permit announced inspections of the facility, as well as veterinary examinations of the animals there.

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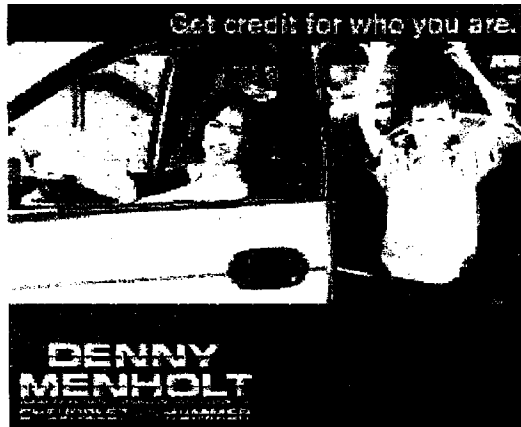
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Eddleman, noting that Sondeno had also provided the court with a financial plan, an operating procedure and plans for a new kennel, said she has three years to make improvements at the facility.

"I'm hopeful she'll do what she says," he said. "If she doesn't, we can come back and institute charges."

During the months that the case has languished in the legal system, Eddleman has heard from both sides. In signing the agreement, he says he has taken the middle road.

"Is it the perfect situation? No," he said. "But once she gets that facility up, it'll be a lot better."

Problems at Safe Harbor, founded by Sondeno in 2002, go back several years. In July 2005, Sondeno requested an inspection of the facility by the Humane Society of the United States. The initial inspection found an "underfunded attempt to help as many animals as possible" and noted an overabundance of cats and an equine rescue operation described as "borderline."

During the January 2006 inspection, which precipitated the charge, four cats were removed for custodial care and six horses were identified for custodial care but remained on site until they could be moved elsewhere. Another 50-some dogs and 75-100 cats were left in Sondeno's care, which Sondeno says only confirmed that the problems at Safe were not serious.

Sondeno, who considers the pretrial agreement fair, said she currently has 23 dogs and 40 to 50 cats at Safe Harbor. The four cats that were taken from Safe Harbor more than a year ago will be returned to her. The six horses, which have been cared for under the auspices of the HSUS, will be adopted out or sold.

"The agreement was made because it was something I thought was in the best interest of everybody," Sondeno said.

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That "everybody," however, does not include Dave Pauli, regional director of the HSUS Northern Rockies Region. He criticizes the agreement for lacking teeth and a timetable. He says it fails to address public nuisance issues and he's concerned that Sondeno is still allowed to harbor 90 animals, not counting personal pets, at Safe Harbor. He also faulted the parties that arrived at the agreement for failing to consult the HSUS and other organizations.

"We were totally out of the loop," he said. "We were disappointed that there was not some outside input put into this."

Pauli said the agreement should have included specifics, like requirements for vet examinations and exterior cat-proof fencing. He said he hopes the facility, the only animal shelter in Carbon County, receives community support and he encourages Carbon County residents looking to adopt a dog or cat to visit Safe Harbor.

"If they don't like what they see, they should call Mr. Eddleman and tell him what they think," he said.

Meanwhile, Sondeno said her first order of business is to create a cat compound by encircling five acres with chain link. Next summer or fall, she said she plans to build a new kennel over the crest of the hill on the west side of her property. She estimates the improvements will run in excess of \$100,000, an amount she said she and her husband are prepared to cover if necessary.

"There will be no way I can make it without making some changes" she said.

Sondeno talks about the need for all parties to work together to solve the problem of unwanted animals. At the same time, she talks about filing charges against some of the parties that, according to her, exaggerated Safe Harbor's shortcomings and resulted in the animal cruelty charge.

But for now, she is gearing up for her first adoption event in more than a year. On July 14, she plans to bring 10 to 15 cats and two or three dogs to Shipton's, in hopes of finding them new homes.

"I've picked my niche out," she said. "I'm not giving up on this."

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Suit calls attention to Police Foundation

By TOM HOWARD
Of The Gazette Staff

The Billings Police Foundation is back in the spotlight in the wake of a city police officer's lawsuit that alleges cash was transferred illegally from the Police Department's evidence room to the foundation.

The foundation president, Mayor Ron Tussing and the city's financial services director have all denied officer Steven Feurstein's claim that money was transferred to the foundation from the BPD.

Nevertheless, City Councilman Larry Brewster believes it's a good idea to conduct another review of the Police Foundation's records, even though an accounting firm's review of the foundation's financial records, which cost the city almost \$10,000, found no irregularities. The city can conduct a more thorough review without spending a lot of money, he said.

On March 13 the council approved an initiative asking the foundation to provide minutes and financial records to the council. The Police Foundation has hired an attorney to prepare an opinion on what records it must release to the city.

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Tussing agrees that the best way for the foundation to clear the air is to turn over the information the council has requested.

In a lawsuit filed Tuesday, Feurstein claims that illegal drugs were taken from the evidence room and given to a civilian. The lawsuit also alleges that an undisclosed amount of money was taken from the evidence room and transferred to the Police Foundation, a nonprofit organization formed in 1999 to raise private money for the Police Department.

"That's a horrendous accusation to make. That bothers me," Billings Police Foundation President Randy Vogel said Thursday. "We just went through an audit, and our records are well accounted for."

Tussing, who was elected mayor in November after resigning as police chief last May, said he was dumbfounded by Feurstein's accusations.

"I hate to get into response mode to these goofy allegations, especially if they have no evidence, no dates, times or anything else to substantiate. All I can do is deny it," Tussing said Thursday.

Pat Weber, the city's financial services director, said any cash transfer from the Police Department to the foundation would have shown up as a red flag in a recent review of the foundation's financial records. The accounting firm Eide Bailly found no evidence of irregularities after reviewing financial records from the foundation and the Billings Animal Shelter.

"From the accounts that Eide Bailly looked at, there was no indication that any such transfer ever happened," Weber said.

Eide Bailly's findings were presented to the council in January. The city requested a review of the Police Foundation and the Billings Animal Shelter last December after a volunteer at the shelter had reported that about \$48,000 in donations intended for the shelter had

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instead been deposited with the foundation.

Brewster defended the council's decision to ask for the Police Foundation board's minutes and its financial information. He said the city should have done a better job of framing questions it wanted Eide Bailly to answer.

"I think the staff was in a little too big of a hurry to do an audit," Brewster said. "They didn't bother to figure out the questions. The real issue is who authorized the transfer of the funds," from the animal shelter to the foundation.

Councilman Vince Ruegamer said he hopes the Police Foundation decides to release its records. "It all probably boils down to sloppy bookkeeping," Ruegamer said.

Ruegamer said the first time he had heard about the alleged transfer of money from the BPD to the foundation was after he had read the lawsuit.

Vogel said later Thursday that the animal shelter asked the foundation to handle its donations several years ago.

"The understanding was that (the animal shelter) didn't believe they could take donations and give the person giving them the tax-deductible benefit of donating to a (nonprofit) 501C3 corporation," Vogel said.

Vogel remains confident that there is nothing improper in the foundation's records. But the board is reluctant to turn over all of its information to the city because some donors prefer to remain anonymous.

"We're reluctant to expose our donors," he said.

City Councilwoman Joy Stevens said she believes the Billings Police Foundation's records are public information and should be released to the council.

Tussing said the foundation was formed in 1999 as a way to buy equipment that the Police Department couldn't otherwise afford. Some of the items purchased include police dogs, a radar trailer and Taser stun guns, Tussing said.

"That was the principal purpose, but I also used them (the foundation board) as a sounding board to bounce ideas off of," Tussing said.

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City Lights: Cats, dogs need wide, open spaces

By **ED KEMMICK**
 City Lights

Cats, and to a lesser extent dogs, were very much in the news last week.

It was reported that an investigation of a pet sanctuary in Fromberg could result in animal-cruelty charges against the owner. The owner, meanwhile, has in the past criticized the Billings Animal Shelter for being too quick to kill abandoned pets. Two other sanctuaries, one in the Heights and one in Lockwood, said in another story that they've been flooded with animals since the Billings shelter closed its 24-hour drop-off cages.

I've learned in this business that animal lovers spend about half their time tending critters and the other half criticizing other people engaged in the same pursuit. I think passions run high on this issue because everyone believes in the same goal but they can't agree on how to get there. It's sort of like when two branches of the same religion start fighting. It's not a pretty sight.

But the problem is not with the sanctuaries or the shelter. The problem is with those of us who allow dogs and cats to breed indiscriminately because we, too, love animals and don't want to interfere with their "natural" inclinations.

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So what is to be done? A very simple answer has been suggested by one of the editors here at The Gazette. He said we need to establish a preserve in the great empty spaces of Eastern Montana, a place where neglected pets could live out their lives in freedom and expansive joy. We need a Cat Commons.

You will understand why he wants to preserve his anonymity. When Frank and Deborah Popper, a couple of East Coast professors, broached the idea nearly 20 years ago of converting the slowly emptying Great Plains into a Buffalo Commons, they became two of the least liked, most vilified people in the West.

But the Great Plains have gotten even emptier in the past 20 years and could now support a very large population of feral cats and dogs. It wouldn't be an easy life for a cat accustomed to the comforts of home and the slavish devotion of a human tender, but for an abandoned cat facing the firing squad, it would at least be a chance at life.

We'd have to air-drop bundles of blankets and bales of kibbles during harsh winters, but I don't think that would be cost-prohibitive. Just think how much ranchers would save once wolves, coyotes and other predators developed a taste for pets and began leaving cows and sheep alone.

Creatures great and small

Speaking of critters in the Big Open, the Animal Planet channel will be airing a show on the T-rex this afternoon, centering on the discovery 100 years ago of the first Tyrannosaurus rex skeleton in the badlands north of Jordan. Lots of Montana scenes, as well as Montana paleontologist Nate Murphy, will be featured in "T-Rex: A Dinosaur in Hollywood," airing today at 1 p.m.

The program was filmed by the British Broadcasting Corp. and was aired in England on Oct. 5, the 100th anniversary of the date when the most recognizable of dinosaurs was named and announced to the world.

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Murphy, curator of paleontology for the Judith River Dinosaur Institute in Malta, said he served as the paleontological adviser for the program and spent five days with the film crew in various Montana locales, including Malta, Fort Peck, Glendive and Jordan.

"It's not heavy science by any means, but it's kind of a hoot," Murphy said.

The error of my ways

And I have to add this: Last week I mentioned the great lengths I went to as a pre-teen to get my hands on Playboy magazines, and I expressed some doubts about the crusade to pass anti-obscenity laws in Billings and Yellowstone County.

The lead crusader, Dallas Erickson, wrote in to say I was so confused that I didn't even know what governmental body he and his supporters had recently addressed. I'm afraid Mr. Erickson was right. They testified before the city and county zoning commissions, not the Yellowstone County Commission.

I would like to be able to blame an editor, or even a "production error," that great journalistic crutch, but unfortunately the mistake was all mine, and it was very stupid. I see now, in hindsight, that it was probably my youthful attachment to Playboy that warped and eventually weakened my mind, thus resulting in the error.

In acknowledging my mistake, however, I have to object to Erickson's assertion that my column was evidence that I am "unable to think of these problems in adult terms." That is just not true. I recognize the grave threat pornography poses to our culture, and as a responsible adult person, I know that we, as a society, must at some point stand up and ... hey, wouldn't "Hind Sight" be a good name for a girlie mag?

Contact Ed Kemmick at ekemmick@billingsgazette.com or 657-1293.

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Facility can keep animals during probe

By LINDA HALSTEAD-ACHARYA
Of The Gazette Staff

FROMBERG -- By this time next week, Carbon County officials and the founder of an animal rescue facility in Fromberg should know the outcome of an animal health inspection at the facility Tuesday.

Carbon County Attorney Kemp Wilson will wait until the report is complete before deciding if the county will press for charges. Meanwhile, Kelly Sondeno, who runs Safe Harbor Rescue, will continue caring for the dozens of animals still on her property.

"They are still her animals, except those in legal custodial care," said Dave Pauli, regional director of the Humane Society of the United States Northern Rockies Region. Pauli helped organize Tuesday's animal health assessment team, which played a pivotal role in the inspection. The team included three veterinarians specializing in canine, feline and equine issues.

Some animals removed

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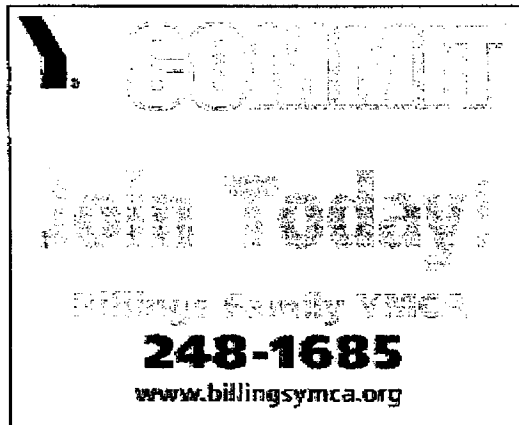
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As a result of the inspection, six horses and four cats were identified for custodial care. The cats were removed from Safe Harbor, but the horses, several of which were not trained sufficiently to be led, will remain there under an agreement with the Humane Society. A canine veterinarian involved in the inspection also recommended that five of the dogs be placed under special care. Pauli revisited Safe Harbor Wednesday and will continue with follow-up.

Pauli said the health inspection report should be wrapped up by week's end, after which it will go to Carbon County Sheriff's Deputy Stan Frank, who headed up the law enforcement team. Frank has been investigating Safe Harbor since last August, when an informal inspection identified potential problems there. The report will ultimately go to Wilson.

"It's always frustrating to the general public because they expect things to happen in a 24-hour timeframe," Pauli said. "But it's more realistic to expect a 24-day timeframe, to protect not only the animals but the alleged perpetrator."

Problems acknowledged

Sondeno, who founded Safe Harbor Rescue in 2002, acknowledges some problems there but says most of the issues are due to unrealistic expectations. One of the original goals of Safe Harbor was to remove pets from the animal shelter before they were euthanized and find homes for them. Sondeno said Safe Harbor has adopted out more than 1,400 animals since 2002.

"People have a fairy-tale notion that animal rescue should look like something off Animal Planet," she said. "That's not the real world. Everyone's strapped for money."

Sondeno said the pens at Safe Harbor look shabby because there's little money or help to upgrade them. But

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she insists they are routinely cleaned. And a number of the animals have health issues, but many of them came to her sick, and she has the paperwork to document that, she said. As for the backlog of animals on the property, she said many of the dogs have issues that make them challenging prospects for adoption.

"Some of these dogs out here I've had too long because the right people haven't come along," she said.

She denies reports of feline leukemia at Safe Harbor. Following last summer's evaluation, 15 cats were randomly tested and none of them came up positive for the disease, she said.

Describing herself as "an outspoken advocate against the (Billings) animal shelter," Sondenno traces the root of her problems to 2002, when she went before the Billings City Council to voice her grievance over a dog that was euthanized at the old animal shelter. As for Tuesday's inspection, she sees it as confirmation that the problems at Safe Harbor are not serious.

"If the animals were in such bad shape, they would have taken them," she said.

And yet, statements and complaints collected by the Carbon County Sheriff's Office suggest otherwise.

"I felt we had seen enough information that would justify the filing of an application for a search warrant," Wilson said.

Besides animal health staff, the team that arrived at Safe Harbor Tuesday included four deputies, a photographer designated by the sheriff's office and the Carbon County sanitarian. If justified, charges could range from a public nuisance violation to felony charges of aggravated animal cruelty and even charges related to soil and water pollution.

This week's inspection follows a mini-evaluation at Safe Harbor that took place in July 2005. The informal inspection, which did not involve veterinarians, concluded that the cat facility "teeters between an unrestricted feral cat colony and a typical cat hoarder situation." The equine operation was listed as "borderline." The canine operation received the best marks, but evaluators questioned the facility's goal in canine rescue and stated that there were too many dogs for the existing facilities.

In summary, it said, "Safe Harbor may be well-intentioned, but appears to be an underfunded and overmotivated animal rescue facility."

Since the July inspection, Pauli said two horses reported in bad shape had been euthanized, but otherwise the

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number of animals at the facility was "not dissimilar." The July report listed 50-plus dogs and between 75 and 100 cats on-site. There was no figure given for the number of horses present.

Pauli expects Tuesday's inspection to provide a clearer picture of the situation.

It has yet to be determined whether more animals will be taken into custodial care. Should the necessity arise, Pauli said the Humane Society has taken on that role before, as it did in Camp Collie. In that case, federal customs officials seized more than 180 mistreated dogs during a truck inspection at the U.S.-Canadian border north of Shelby. The dogs remained in limbo for months while proceedings dragged on.

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County gets 8 bids to board collected animals

By TOM HOWARD Of The Gazette Staff

Faced with a hefty increase in the cost of boarding abandoned animals, Yellowstone County commissioners have asked the private sector to provide services that are now offered by the Billings Animal Shelter.

Commissioners on Tuesday opened eight bids from private agencies interested in boarding pets collected by county animal control officers. Commissioners directed their staff to analyze the bids.

"We looked at the bids and they were all over the board," Commission Chairman John Ostlund said Tuesday. Tom Kessler, the county's purchasing agent, will make a recommendation to commissioners next week, Ostlund said.

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Traditionally, Yellowstone County's animal control department has boarded stray animals collected in the county at the Billings Animal Shelter. But commissioners learned earlier this year that the city planned a 10 percent fee increase, from \$50,000 a year to \$55,000 a year. Future rate increases also are in store.

"We found that kind of unacceptable, so we wanted to see if we could find somebody to do it cheaper," Sheriff Chuck Maxwell said. "We wanted to see if we could do it better."

The city notified commissioners of the rate increase in a letter March 2 from Acting Police Chief Darrell Bell, who has since retired. Bell said the city had calculated that it costs \$93,074 a year to provide services to Yellowstone County's animal control program.

Bell said the City Council approved a fee increase from \$50,000 a year to \$55,000 a year for the 2006 fiscal year. The remaining increase would be phased in over ensuing years until the fee matches the cost of providing the service. Bell's letter didn't specify when future rate increases would occur.

"We will be requesting approval of increases to the contract each year until the actual cost for services is covered," he wrote.

City covers costs

In the letter, Bell said that the city must increase its rates because of higher costs associated with operating the new animal shelter and because the city must pay for costs that were previously covered by the state.

According to the county's request for proposals, Yellowstone County's two animal control officers typically pick up about 300 dogs a year, with an average stay of two days per dog. County animal-control officers collect some cats, but only those that have bitten a person. The number of cats boarded is expected to be minimal, according to county officials.

According to the proposal request, the selected firm or individual wouldn't be required to collect fees or fines from animal owners. The contractor also wouldn't provide veterinary services.

Firms that submitted bids were Brickyard Boarding Kennel, Pampered Pet Day Care Boarding, Big Sky Pet Center, Moore Lane Veterinary Hospital, Help for Homeless Pets, Safe Harbor Reserve and Four J's Kennel, which submitted two bids.

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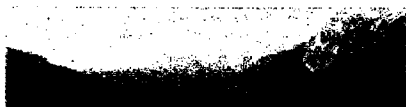
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Official investigate animal treatment

By **LANCE BENZEL**
 Of The Gazette Staff

The owner of a Carbon County animal shelter could face criminal charges in the wake of an investigation into conditions at the facility, an official said Tuesday.

Carbon County sheriff's deputies, veterinarians and personnel from the Humane Society of the United States executed a search warrant at the Safe Harbor Rescue shelter at 40 Gebo Road near Fromberg on Tuesday morning, Carbon County Attorney Kemp Wilson said.

The team -- also including the Carbon County sanitarian -- examined dozens of animals and documented their living conditions as part of an ongoing probe, Wilson said.

The investigation was opened in response to complaints from neighbors and Humane Society personnel that the shelter is over capacity and that animals are underfed and insufficiently cared for.

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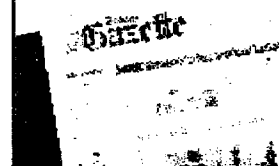
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If justified, those allegations could merit anything from a public nuisance violation to felony charges of aggravated animal cruelty against owner Kelly Sondeno, Wilson said. He said he's waiting for the groups involved in Tuesday's search to complete reports about their findings.

"Once I've examined them, I'll determine whether we have any offenses that need to be charged," he said.

Sondeno did not return a message left on her home answering machine Tuesday night.

In July, a "mini evaluation" by the Northern Rockies office of the Humane Society found the shelter had too many animals and identified potential dangers related to sanitary conditions.

The evaluation was performed at Sondeno's request to counter complaints from neighbors.

Inspectors found an estimated 50 dogs and 75 to 100 cats, many with obvious health problems and infectious diseases, Northern Rockies Regional Director Dave Pauli said in an Aug. 12 report.

The cat population "teeters between an unrestricted feral cat colony and a typical cat hoarder situation," Pauli said. "This situation poses a health risk to neighborhood cats and potentially to native wildlife like bobcats, raccoons, skunks and other species."

Conditions for horses were "borderline" and the animals required "some immediate veterinary intervention" to examine horses and develop a treatment plan for diet, teeth and hoof care, the report said.

Two days after the Humane Society released its findings, the Billings Animal Shelter halted adoptions of animals to Safe Harbor, Animal Control Supervisor David Klein said in a signed letter to Sondeno.

Sandy Wulff, a Lockwood animal rescue enthusiast who used to work with Sondeno, said Tuesday that she ended

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her business relationship last summer in part because of concerns about care the animals were receiving. Her fears were supported by a visit to the shelter in August, she said.

"I was just appalled," Wulff said. "I found out that she had been misleading me" about the level of care at the facility. She said Sondeno routinely declined offers by Wulff and other members of the animal rescue community in the Billings area to help out at the shelter.

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